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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**RECEIVED**

United States of America ex rel.

(Full name and prison number)
(Include name under which convicted)

PETITIONER

vs.

Tyrese Fife(Warden, Superintendent, or authorized
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment
attacked imposes a sentence to commence in the
future)

ATTORNEY GENERAL OF THE STATE OF

(State where judgment entered)

APR 22 2008 *aw*
APR 22, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTCASE NO: 96 CR 03607
(Supplied by Clerk of this Court)**08CV2294**
JUDGE KENNELLY
MAG. JUDGE NOLAN

Case Number of State Court Conviction:

PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY

- Name and location of court where conviction entered: Sixth District
MARKHAM, Illinois Honorable Judge PAUL MEALIS
- Date of judgment of conviction: August 24 1998
- Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)
- Sentence(s) imposed: 25 years I.D.O.C. on October 14, 1998
- What was your plea? (Check one)

(A) Not guilty	(<input checked="" type="checkbox"/>)
(B) Guilty	()
(C) Nolo contendere	()

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

PART I - TRIAL AND DIRECT REVIEW

1. Kind of trial: (Check one): Jury () Judge only (☒)
2. Did you testify at trial? YES (☒) NO ()
3. Did you appeal from the conviction or the sentence imposed? YES (☒) NO ()

(A) If you appealed, give the

- (1) Name of court: Appellate Court of Illinois First Dist, Third Div
- (2) Result: Affirmed
- (3) Date of ruling: FEBRUARY 14 2001
- (4) Issues raised: First impression regarding the application of due process requirements to so called "simplified Miranda warnings" Allegedly given to the learning and mentally disabled by Police and Prosecutors

(B) If you did not appeal, explain briefly why not:

4. Did you appeal, or seek leave to appeal, to the highest state court? YES (☒) NO ()

(A) If yes, give the

- (1) Result: Denied
- (2) Date of ruling: JUNE 10 2001
- (3) Issues raised: The Appellate Court's Decision to Deny An Evidentiary Hearing while there were unresolved Issues of fact Related to whether He Met the Prejudice Prong of the test Established in Strickland. And the Brady Violation

(B) If no, why not:

5. Did you petition the United States Supreme Court for a writ of certiorari? Yes (☒) No ()

If yes, give (A) date of petition: _____ (B) date certiorari was denied: _____

PART II - COLLATERAL PROCEEDINGS

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES (☒) NO ()

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

- A. Name of court: Circuit Court of Cook County County Dep Criminal Div
- B. Date of filing: September 1 2005
- C. Issues raised: denied my due process right under the Sixth and Fourteenth Amendments to the United States Constitution and failed to introduce into evidence a psychological assessment of Petitioner conducted in June 1995
- D. Did you receive an evidentiary hearing on your petition? YES () NO (☒)
- E. What was the court's ruling? _____
- F. Date of court's ruling: _____
- G. Did you appeal from the ruling on your petition? YES (☒) NO ()
- H. (a) If yes, (1) what was the result? denied
- (2) date of decision: June 16 2001
- (b) If no, explain briefly why not: _____
- I. Did you appeal, or seek leave to appeal this decision to the highest state court?
- YES () NO ()
- (a) If yes, (1) what was the result? denied
- (2) date of decision: September 1, 2005
- (b) If no, explain briefly why not: _____

2. With respect to this conviction or sentence, have you filed a petition in a state court using any other form of post conviction procedure, such as *coram nobis* or habeas corpus? YES () NO (☒)

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding _____
2. Date petition filed _____
3. Ruling on the petition _____
3. Date of ruling _____
4. If you appealed, what was the ruling on appeal? _____
5. Date of ruling on appeal _____
6. If there was a further appeal, what was the ruling? _____
7. Date of ruling on appeal _____

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in federal court? YES () NO (☒)

A. If yes, give name of court, case title and case number: _____

B. Did the court rule on your petition? If so, state

- (1) Ruling: _____
- (2) Date: _____

4. WITH RESPECT TO THIS CONVICTION OR SENTENCE, ARE THERE LEGAL PROCEEDINGS PENDING IN ANY COURT, OTHER THAN THIS PETITION?

YES () NO (☒)

If yes, explain: _____

PART III - PETITIONER'S CLAIMS

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.

- (A) Ground one Defense Counsel failed to investigate and
Supporting facts (tell your story briefly without citing cases or law):

find the forensic Clinical Services Juvenile Division Psychological Assessment ordered by the Juvenile Court and conducted on June 16 1995 and June 23 1995. The evaluation was conducted on December 21 1995 About six months before my arrest in this case.

- (B) Ground two The Cook County State's Attorney failed to
Supporting facts:

provide defense counsel with a copy of the Forensic Clinical Services Juvenile Division Psychological Assessment of Tyrese Tate even though it was extremely relevant to the issues being litigated at the motion to suppress his statements

(C) Ground three
Supporting facts:

The purpose of the "Court ordered psychological evaluation" was "to determine what is in the best interests of the minor and if there is sufficient family stability to support him." Confidential psychological assessment dated June 26, 1995 and prepared by Dr. Aschen Levy (licensed psychologist)

(D) Ground four
Supporting facts:

2 Have all grounds raised in this petition been presented to the highest court having jurisdiction?
YES (✓) NO ()

3. If you answered "NO" to question (16), state briefly what grounds were not so presented and why not:

PART IV - REPRESENTATION

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing FRANK R. RAGO Public Defender
 (B) At arraignment and plea FRANK R. RAGO Public Defender
 (C) At trial FRANK R. RAGO Public Defender
 (D) At sentencing FRANK R. RAGO Public Defender
 (E) On appeal Julie Hull Public Defender Cook County
 (F) In any post-conviction proceeding Elyse Krug Miller
 (G) Other (state): NONE

PART V - FUTURE SENTENCE

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES (☒) NO ()

Name and location of the court which imposed the sentence: COOK COUNTY

Date and length of sentence to be served in the future 1998 3 years

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: _____
 (Date)

 Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

 (Signature of petitioner)

 (I.D. Number)

 (Address)